

EXHIBIT C

1 PAUL D'AURIA
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 19-CV-4650

 ORIGINAL

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6 _____
7 RAFAEL FOX, PAUL D'AURIA, and JILL)
8 SHWINER,)
9 Plaintiffs,)
10 v.)
11 STARBUCKS CORPORATION d/b/a STARBUCKS)
12 COFFEE COMPANY,)
13 Defendants.)
14 _____)
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16
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18 DEPOSITION OF PAUL D'AURIA
19 TAKEN REMOTELY BY VIDEO CONFERENCE

20 September 9, 2020

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22
23
24 Reported by: Mary Ann Payonk
25 Job No. 183853

1 PAUL D'AURIA

2 Q. Who did you interview with?

3 A. The owners, Laura Mazur and Al
4 Vecchione.

5 Q. What were their positions at the
6 company?

7 A. They were co-owners.

8 Q. And what position did you interview
9 for?

10 A. Pest control technician.

11 Q. And was there a job description for
12 that position?

13 A. Basically, servicing commercial and
14 residential accounts.

15 Q. Had you worked in that field before?

16 A. Yes, I did. I worked in pest control
17 from 1986 to 1990.

18 Q. '86 to '90?

19 A. Yes.

20 Q. And what company did you work for?

21 A. Unlimited Pest Control.

22 Q. Where are they located?

23 A. They were in Staten Island, New York.

24 Q. And what was your job description for
25 Unlimited?

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2 A. Sure. From October of 2000 to maybe
3 the spring of 2003. And then Starbucks asked
4 us to come back and service the stores in I
5 think also the spring of 2005 to September of
6 2009. And then I believe they asked for our
7 assistance again from 2013 to 2018.

8 Q. 2013 to '18?

9 A. Yes.

10 Q. And during those different periods of
11 time, it sounds like you worked at Starbucks
12 locations at three or so different periods of
13 time. Did your work change at all when you
14 were working at Starbucks locations, or was it
15 the same?

16 A. As far as Starbucks being serviced,
17 it was basically the same service we provided.

18 Q. Okay. And tell me again specifically
19 as to Starbucks, what was your job?

20 A. My job was to inspect, evaluate,
21 troubleshoot any pest issues that stores were
22 having.

23 Q. So give me an example. By the way,
24 was that the same throughout the three periods
25 of time that you worked at Starbucks?

1 PAUL D'AURIA

2 the other two companies during this time period
3 that you were working for Starbucks -- I think
4 the Stock Exchange was one and Methodist
5 Hospital was the other -- did you see any of
6 these products at those facilities or those
7 companies?

8 A. No, I didn't.

9 Q. And during your employment with AVP,
10 did you work at those two companies as well as
11 Starbucks throughout the period?

12 A. I serviced those along with Starbucks
13 at the same time.

14 Q. Got it. And other than the three
15 companies that you serviced, were there any
16 other companies that you worked with at AVP
17 during this time period of '07 to '18?

18 A. Yes, I did see them in other
19 locations.

20 Q. And which location?

21 A. The location was a company called
22 Le Pain Quotidien in Manhattan and throughout
23 the City.

24 Q. Right. And did you provide pest
25 control and evaluate stores at that company?

1 PAUL D'AURIA

2 A. Yes.

3 Q. And for what period of time?

4 A. I believe from 2011 to 2013, around
5 there, maybe '14.

6 Q. And during that -- okay, and during
7 that time, did you see any of these products at
8 Le Pain Quotidien stores, Hot Shot or pest
9 strips, etc.?

10 A. They did -- at that location, they
11 were putting in a different brand of DDVP pest
12 strips. The manufacturer -- they're
13 manufactured by the same company but they're
14 branded to different companies to sell. And
15 there's also another version of those strips.
16 I believe the name is Fruit Fly BarPro. It's
17 the exact same product, it's just branded
18 differently, but the same chemicals.

19 Q. Got it. And when you saw those
20 products at Le Pain Quotidien, did you report
21 them to anyone at the company?

22 A. Yes, we did.

23 Q. To whom?

24 A. Their facilities manager.

25 Q. Anyone else?

1 PAUL D'AURIA

2 MR. GRAFF: Objection.

3 Q. What are you claiming?

4 A. Could you rephrase that? What do you
5 mean, what am I claiming?

6 Q. Yeah. You know, what are you seeking
7 from Starbucks in this case by way of damages?

8 What do you want to recover?

9 What's your request for damages?

10 A. The maximum that --

11 MR. GRAFF: Objection.

12 A. The maximum that --

13 Q. Let me ask you a different way. What
14 damages did you suffer?

15 What have you suffered as a result of
16 Starbucks' actions?

17 A. I've suffered a lot of emotional
18 distress. I was always being exposed to
19 chemicals that -- pretty unexpected. I had
20 numerous occasions of pesticides. I would walk
21 into vapors when I wasn't prepared for it. I
22 was walking in on, you know, chemicals dripping
23 from the ceiling at times. I suffered
24 emotionally. I was worried about people's
25 health. I was worried about my own health, the

1 PAUL D'AURIA

2 long-term effects of chemicals. I would worry
3 that if anybody ever sued Starbucks, I would --
4 you know, could lose my license or my
5 livelihood over the course of all those years
6 of those incidents.

7 Q. During the times that you were
8 exposed to pest strips, did you see any doctors
9 because of that exposure?

10 A. No.

11 Q. Did you see any kind of healthcare
12 professional as a result of your exposure to
13 pest strips?

14 A. No.

15 Q. Did you see any psychologist or
16 psychiatrist or mental health worker as a
17 result of your --

18 A. No.

19 Q. -- exposure to pest strips or any
20 similar products?

21 A. No, I did not.

22 Q. Do you take any medicines,
23 prescription or over the counter, as a result
24 of your exposure to any chemicals while working
25 for Starbucks?

1 PAUL D'AURIA

2 THE WITNESS: I'm going to call
3 back in since you're still breaking up.

4 I don't know if it's my phone or the
5 connection.

6 MR. WEBER: I hear you fine.

7 (Off the record to resolve a technical
8 issue.)

9 BY MR. WEBER:

10 Q. You said you worked at Starbucks and
11 Le Pain Quotidien, where there were pest
12 strips. Have you ever been in any other
13 restaurant or store that had pest strips in it?

14 A. Not when I was working, no.

15 Q. What about when you were not working?

16 A. I once went into a pizzeria or a
17 cafe, and there was one hanging up in the food
18 area right above where everybody was standing,
19 eating.

20 Q. What did you do when you saw it?

21 A. Took a photo of it and reported it.

22 Q. I'm sorry, took a photo and then
23 what?

24 A. Took a photo and reported it to the
25 Department of Health.